REMARKS

Status of the Claims:

Claims 1, 12, and 25 have been amended. Claims 27-29 have been added. After amending the claims as set forth above, claims 1-7 and 8-29 are now pending in this application.

General Comments

Claim 1 has been amended to clarify that the classification of each programme element comprises receiving from a classification operator at least one selection from at least one of the subsets.

Claim Rejections – 35 U.S.C. § 101

Claims 12 and 25 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed, in view of the claims as amended herein in accordance with *In re Beauregard*, which states that computer programs embodied in a tangible medium are patentable subject matter under 35 U.S.C. 101. Fed. Cir. App. No. 95-1054. Specifically, claims 12 and 25 have been amended to recite a computer readable storage medium storing a computer programme that when executed on a computer carries out the method of claim 1 (or 14). Accordingly, the rejection of claims 12 and 25 is respectfully traversed.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7 and 9-26 were rejected under 35 U.S.C. 102(b) as being anticipated by Burke (WO 99/03275 A1). This rejection is respectfully traversed, in view of the claims as amended herein.

Independent claim 14 recites a method of classifying programme elements, each of which is a programme clip taken from at least one distributed programme, and each of which represents an event, wherein, classification of each programme element comprises receiving data indicating selection from at least one of the subsets, said selection determining at least one of the subsets

from which future selections can be made, and the at least one selection generating a classification code associated with the programme element. Similar features are found in independent claim 1.

Claim 14 is neither taught, suggested, nor rendered predictable by the Burke reference. In particular, claim 14 recites, among other features, a method of classifying programme elements, each of which is a programme clip taken from at least one distributed programme, and each of which represents an event. The Burke reference discloses a method of classifying programme elements, each of which is a programme clip taken from at least one distributed programme, and each of which represents an event (p. 3 l. 29 to p. 4 l. 6).

However, claim 14 also recites, wherein programme elements are classified using a set of event classes including a plurality of subsets of the event classes, classification of each programme element comprises receiving data indicating selection from at least one of the subsets, said selection determining at least one of the subsets from which future selections can be made, and the at least one selection generating a classification code associated with the programme element. In other words, (i) each programme element is classified using a set of event classes including a plurality of subsets of event classes; AND (ii) that a selection from one of the subsets determines at least one of the subsets from which future selections can be made.

With respect to the first point, the Examiner takes the position that each programme element is classified using a set of event classes including a plurality of subsets of event classes and refers to p. 4 ll. 7-21 of the Burke reference. However, the cited passage of the Burke reference is not a teaching that programme elements are classified using a set of event classes including a plurality of **subsets** of event classes. For example, as shown in Fig. 12A of the present application, a "TENNIS" node can have a plurality of subsets, such as "WIMBLEDON," "FRENCH OPEN," "US OPEN," and "AUSTRALIAN OPEN" subsets, each of which can have additional subsets, such as "MIXED DOUBLES," "WOMENS DOUBLES," and so on. In contrast, the cited passage in the Burke reference says nothing more on that point other than that the user is provided with the ability to select programme elements, for example by selection of

symbols associated with programme elements. There is no disclosure in the Burke reference of a subset of event classes within the selected programme elements.

In addition, the Examiner also refers to p. 11 ll. 1-8 of the Burke reference as indicating that classification data is allocated to programme elements. However, there is nothing in the Burke reference to indicate that the classification code is based upon subsets of event classes.

With specific reference to claim 14, it should be further noted that the cited passages from the Burke reference (e.g., p. 4 ll. 7-21) refer to programme element selection to generate a programme presented to a user. In other words, the cited passages from the Burke reference describe a processing carried out at a user's receiver to select from already classified programme elements – as opposed to classifying, for example, the received data (e.g., the programme elements) at the user's receiver.

With respect to the second point, the Examiner takes the position that a selection from one of the subsets determines at least one of the subsets from which future selections can be made while referring to p. 4 ll. 7-21 of the Burke reference. However, the cited passage from the Burke reference in no way restricts classification codes, which can be selected in the future, based upon a selection of a particular classification code. For example as shown in Fig. 11 (and described on p. 24 ll. 1-19) of the present application, selecting a "Sport" node (from a "TV" node), presents other subclasses, such as a "TENNIS" node, that when selected presents additional subsets or nodes, such as "WIMBLEDON," for selecting in the future, which in turn can present additional subsets or nodes. The Burke reference describes no such subsets determined from a selection of a further subset.

The Examiner alsos refer to p. 11 ll. 1-8 of the Burke reference as indicating that classification data is allocated to programme elements. As discussed, there is nothing in the Burke reference to indicate that the classification code is based upon subsets of event classes. Accordingly, because the classification code is not based upon subsets of event classes, there can

be nothing to indicate, in the Burke reference, that a selection made from one subset affects subsets from which future selections can be made.

Accordingly, Burke does not anticipate, suggest, or render predictable the system of claim 14 because it does not disclose that (i) each programme element is classified using a set of event classes including a plurality of subsets of event classes; **AND** (ii) a selection from one of the subsets determines at least one of the subsets from which future selections can be made.

Claims 15-26 depend from claim 14 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 14 is believed to be allowable. Independent claim 1 has similar features to claim 14 and, therefore, is believed to be allowable for at least the same reasons as claim 14. Claims 2-7 and 9-13 depend from claim 1 (directly or indirectly) and are believed to be allowable for at least the same reasons as claim 1 is believed to be allowable. The rejection of claims 1-7 and 9-26 is respectfully traversed.

New Claims

Claims 27-29 have been added to further protect embodiments of the present invention. In particular, and as discussed above, the Examiner cites passages from the Burke reference (e.g., p. 4 ll. 7-21) that refers to programme element selection to generate a programme presented to a user. In other words, the cited passages from the Burke reference describe a processing carried out at a user's receiver to select from already classified programme elements – as opposed to classifying, for example, the received data (e.g., the programme elements) at the user's receiver.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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